

1 Steven Martin Aaron, Esq. (MO Bar No. 41653)

*Admitted Pro Hac Vice*

2 Gregory T. Wolf, Esq. (MO Bar No. 43717)

*Admitted Pro Hac Vice*

3 DENTONS US LLP

4 4520 Main Street, 11th Floor

Kansas City, MO 64111-7700

5 Telephone: (816) 460-2400

Facsimile: (816) 531-7545

6 steven.aaron@dentons.com

gregory.wolf@dentons.com

7 Martin L. Welsh, Esq.

8 Nevada State Bar No. 8720

9 LAW OFFICE OF HAYES & WELSH

199 North Arroyo Grande Blvd., Suite 200

10 Henderson, Nevada 89074

Telephone: (702) 434-3444

11 Facsimile: (702) 434-3729

mwelsh@lvlaw.com

12 *Attorneys for Defendant*

13 *CREDIT PAYMENT SERVICES, INC.*

14 **IN THE UNITED STATES DISTRICT COURT**  
15 **DISTRICT OF NEVADA**

16 FLEMMING KRISTENSEN, individually,  
and on behalf of a class of similarly situated  
17 individuals,

18 Plaintiff,

19 v.

20 CREDIT PAYMENT SERVICES, INC.,  
a Nevada corporation,  
21 f/k/a MYCASHNOW.COM INC.,  
ENOVA INTERNATIONAL, INC.,  
22 an Illinois corporation,  
PIONEER FINANCIAL SERVICES, INC.,  
23 a Missouri corporation,  
LEADPILE LLC,  
24 a Delaware limited liability company, and  
25 CLICKMEDIA, LLC d/b/a NET1PROMOTIONS  
LLC, a Georgia limited liability company,

26 Defendants.  
27  
28

) Case No. 2:12-CV-00528-APG (PAL)

) **DEFENDANTS' JOINT MOTION FOR**  
) **LEAVE TO EXTEND DEADLINE FOR**  
) **DISCLOSURE OF REBUTTAL**  
) **EXPERT WITNESS**

) **SPECIAL SCHEDULING**  
) **REVIEW REQUESTED**

1 COME NOW Defendants Credit Payment Services, Inc. ("CPS"), Pioneer Services  
2 ("Pioneer"), LeadPile LLC ("LeadPile"), and Enova International, Inc. (Enova) (collectively,  
3 "Defendants"), by and through their respective counsel, and hereby submit this Joint Motion for  
4 Leave to Extend the Deadline for Disclosure of Rebuttal Expert Witness, by 30 days. The  
5 deadline is currently set for April 25, 2014 pursuant to the Order Granting extensions, pursuant to  
6 Defendants' Joint Motion to Extend Certain Deadlines (Doc. 167) entered by this Court April 4,  
7 2014. In support of this Motion, Defendants state as follows:

8 1. This Court entered a Stipulated Discovery Plan and Scheduling Order on July 23, 2013  
9 (the "Scheduling Order").

10 2. Plaintiff filed its Motion to Certify Class (Doc 113) on October 31, 2013 ("Motion to  
11 Certify"). This Court ruled on the Motion for Class Certification on March 26, 2014.

12 3. Defendants' filed a Joint Motion to Extend Certain Deadlines (Doc. 166), which was  
13 granted by order entered by this Court April 4, 2014 (Doc 167), which extended certain deadlines,  
14 including the deadline by which Rebuttal Expert Witnesses are to be disclosed. The Order set the  
15 deadline for disclosure of rebuttal expert witnesses to April 25, 2014 (30 days after the date the  
16 Court entered its order granting Motion for Class Certification).

17 4. Pursuant to the Court's Order (Doc. 167), discovery closes in this case on May 26,  
18 2014. The parties are still responding to discovery and producing documents. On or about April  
19 15, 2014, LeadPile produced a voluminous 13,000 plus row spreadsheet containing lead data it  
20 received from Co-Defendant ClickMedia, LLC d/b/a Net1Promotions, LLC ("ClickMedia") which  
21 had originated from "thesmartcreditsolution.securelinkcorp.com" website between March 28,  
22 2011 and February 29, 2012. Analysis of this data is crucial to Defendants' defense, and unlike  
23 Plaintiff's counsel, Defendants' counsel do not have staff capable of analyzing the data.

24 5. While the Defendants have retained a rebuttal expert, due to the voluminous nature of  
25 the raw data recently produced the expert will not be able to complete her analysis by the current  
26 April 25, 2014 deadline to disclosure rebuttal expert witnesses. Defendants' seek a short extension  
27 of time to designate the rebuttal expert and produce her expert report.

6. Pursuant to Local Rule 26-4, Defendants state that significant discovery between the parties have occurred. All parties have served and responded to all outstanding written discovery requests. However, on March 31, 2014, Plaintiff propounded his second set of interrogatories on CPS, Pioneer, and Enova; his third set of interrogatories on LeadPile; his second set of document requests on CPS, Pioneer, LeadPile, and Enova; and his first request for admissions on CPS, Pioneer, LeadPile, and Enova. The Defendants are in the process of compiling responses to this additional discovery. On April 11, 2014 Plaintiff also issued subpoenas to various Defendants, their employees, and shareholders. The parties are in the process of responding to the subpoenas scheduling these depositions.

7. If necessary, Defendants have no objection to producing the rebuttal expert for deposition after the May 26, 2014 discovery cutoff deadline.

8. Defendants have conferred with ClickMedia and ClickMedia has no objection to the proposed extension.

9. Defendants have conferred with Plaintiff Flemming Kristensen ("Plaintiff") regarding the proposed extension and Plaintiff has indicated they will not oppose the extension.

10. The extension requested is not the result of any undue delay, bad faith or dilatory motive. Good cause exists and the request is not submitted for any improper purpose. No party will be prejudiced by this delay.

WHEREFORE, Defendants Credit Payment Services, Inc., Enova International, Inc., Pioneer Financial Services, Inc., and Leadpile LLC respectfully request this Court extend the deadline by which Rebuttal Expert Witnesses are to be disclosed to an additional 30 days from the current deadline of is April 25, 2014, or May 26, 2014, and for such other and further relief as the Court deems necessary, proper and just.

DATED: April 25, 2014

DENTONS US LLP

/s/ Steven Martin Aaron

Steven Martin Aaron, Esq.  
 (pro hac vice) MO Bar # 41653  
 Gregory T. Wolf, Esq.  
 (pro hac vice) MO Bar #43717  
 4520 Main Street, 11th Floor  
 Kansas City, MO 64111-7100

LAW OFFICE OF HAYES & WELSH

/s/ Martin L. Welsh

Martin L. Welsh, Esq.  
Nevada State Bar No. 8720  
199 North Arroyo Grande Blvd., Suite 200  
Henderson, Nevada 89074  
***Attorneys for Defendant  
Credit Payment Services, Inc.***

POLSINELLI PC

/s/ Russell S. Jones, Jr.

Russell S. Jones, Jr. (*Pro hac vice*)  
James M. Humphrey, IV (*Pro hac vice*)  
900 W. 48th Place, Suite 900  
Kansas City, MO 64112

SNELL & WILMER, L.L.P.

/s/ Chad R. Fears, Esq.

Chad R. Fears, Esq., Nevada Bar No. 6970  
3883 Howard Hughes Parkway, Suite 1100  
Las Vegas, NV 89169  
***Attorneys for Defendant Pioneer Services***

HUSCH BLACKWELL LLP

/s/ Ryan W. Mitchem

Ryan W. Mitchem, TN #022196  
Michael K. Alston, TN #013697  
736 Georgia Avenue, Suite 300  
Chattanooga, Tennessee 37402

HUTCHISON & STEFFEN

Patricia Lee, Nevada Bar No. 8287  
Joseph R. Ganley, Nevada Bar No. 5643  
Telia U. Williams, Nevada Bar No. 9359  
Peccole Professional Park  
10080 West Alta Drive, Suite 200  
Las Vegas, Nevada 89145

***Attorneys for Defendant LeadPile LLC***

1 MCGUIRE WOODS LLP

2 By: /s/ Brian O'Meara

3 Brian O'Meara, IL #6275625  
4 77 West Wacker Drive, Suite 4100  
5 Chicago, IL 60601-1818  
6 Telephone: 312-849-8100  
7 Facsimile: 312-920-6132  
8 bomeara@mcguirewoods.com

9 LEWIS ROCA ROTHGERBER LLP

10 By: /s/ Dan R. Waite

11 Dan R. Waite, NV #4078  
12 3993 Howard Hughes Parkway, Ste. 600  
13 Las Vegas, NV 89169  
14 Telephone: 702-949-8200  
15 Facsimile: 702-949-8398  
16 dwaite@lrlaw.com

17 *Attorneys for Defendant Enova International, Inc.*

18 IT IS SO ORDERED

19 Dated: April, 29, 2014

20   
21 UNITED STATES MAGISTRATE JUDGE  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

Pursuant to FRCP 5(b), I certify that on April 24, 2014, I caused the above and foregoing document entitled JOINT MOTION FOR LEAVE TO EXTEND THE DEADLINE FOR DISCLOSURE OF REBUTTAL EXPERT WITNESS to be served on all counsel of record through the Court's CM/ECF system.

/s/ Steven Martin Aaron  
An Attorney for Defendants